

DATE: April 8, 2021 **AGENDA ITEM:** D

TO: BSCC Chair and Members

FROM: Kathleen T. Howard, Executive Director, Kathleen.Howard@bscc.ca.gov

SUBJECT: Juvenile Justice Fees: Senate Bill 1290, Chapter 340 Information Gathering:
Requesting Approval

Summary

This agenda item requests Board approval to direct the development of a survey instrument to determine the scope of fees imposed on youth and families in connection with county juvenile facilities and programs.

Background

On January 1, 2021, Senate Bill 1290 (Chapter 340, Statutes of 2020) became effective, which vacated certain county-assessed or court-ordered costs imposed before January 1, 2018, for the parents or guardians of wards in specified circumstances, minors who were ordered to participate in drug and substance abuse testing, and adults who were 21 years of age and under at the time of their home detention. On February 1, 2021, Chair Penner received a letter from Senator María Elena Durazo, author of SB 1290, expressing disappointment that counties continue to impose fees for “phone calls, visitor parking, and other items.” (Attachment D-1.) Senator Durazo further requested the Board act “in the spirit of debt-free justice and take any action within your purview to work with the relevant county actors to end all fees that youth and their families might face from contact with the juvenile legal system.”

On February 24, 2021, Chair Penner responded to Senator Durazo, offering to place an item on the next board agenda, expressing a shared concern of fees unduly imposed on families of system-involved youth. (Attachment D-2.) Chair Penner further offered to survey counties to determine the extent to which counties continue to impose fees, and to determine whether the Board should take further action.

Juvenile Justice Fees

Existing BSCC regulations generally do not prescribe how fees or costs may be imposed on youth and families. Juvenile facilities are required to have written policies and procedures to allow youth to access telephones. (Cal. Code Regs., tit. 15, § 1376.) In addition, facilities are required to have written procedures to ensure youth have access to the courts and legal services, including free postage and cost-free telephone access as appropriate. (Cal. Code Regs., tit. 15, § 1377.) To the extent additional fees may be charged or are being charged for other services, it is recommended that the Board develop a plan to survey counties, which will include an inclusive stakeholder process in the development of the survey instrument. Information collected from counties through the survey can then provide further direction for

the Board as to the development of additional regulations or may be used to inform the Legislature as to whether additional legislation may be warranted.

Telephone Rates

It should be noted that the California Public Utilities Commission (CPUC) has recently filed an order instituting rulemaking to consider regulating telecommunications services used by people who are incarcerated.¹ Two public participation hearings have been scheduled, April 28, 2021 and April 29, 2021, requesting the public to respond to the following questions²:

The main issue to be addressed in the public participation meeting is:

- How should the Commission regulate the rates, terms, and conditions of telecommunications services provided to incarcerated people in California to ensure they are just and reasonable?

Issues determined to be within the scope of the meeting include:

- Should the Commission exercise its authority to regulate the companies that provide those telecommunications services to incarcerated minors and people in California and, if so, how?
- Should the Commission set rate caps for intrastate calling for incarcerated people, including video calls?
- Should the Commission limit the types of additional fees providers can charge users of calling services for incarcerated people?
- Should the Commission act to protect calling services for incarcerated people with communications disabilities by limited charges for inmate calling services calls involving the use of text telephones (TTY)?

Given that the CPUC has exercised its jurisdiction over this subject matter area, including using its ability to receive broad information from counties and telecommunications providers, the Board may wish to forego surveying counties regarding current telephone rates or ancillary fees related to telephone services.

Recommendation/Action Needed

Staff recommends that the Board:

- Direct staff to develop a survey related to the imposition of fees on youth and families involved in the juvenile justice system.
- Direct staff to hold a public stakeholder process to accept comments related to the development of the survey.

¹ See <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M348/K902/348902674.PDF>

² See <https://www.cpuc.ca.gov/prisoncalls/>

- Direct staff to return survey results no later than the September board meeting.

Attachments

D-1: February 1, 2021 Letter from Senator María Elena Durazo

D-2: February 24, 2021 Letter from Chair Linda Penner